



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 09 2008

EPA Region 5 Records Ctr.



299894

REPLY TO THE ATTENTION OF:

Norwood Industries-Norwood Avenue Site

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Norwood Industries, Inc.  
c/o Charles Osswald, Registered Agent  
6125 Meteor Avenue  
Toledo, Ohio 43623

RE: Norwood Industries-Norwood Avenue Site  
1678 Norwood Avenue, Toledo, OH  
General Notice of Potential Liability

Dear Mr. Osswald:

The United States Environmental Protection Agency ("U.S. EPA") has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 *et seq.* ("CERCLA"), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Develop and implement a site-specific Health and Safety Plan, including an Air Monitoring Plan, and a Site Emergency Contingency Plan;
2. Develop and implement a Site Work Plan and Site Security Plan;

3. Inventory and perform hazard characterization, in compliance with a Site-specific Quality Assurance/Quality Control Plan, on all substances in containers, drums and tanks;
4. Investigate the potential for soil contamination on Site property;
5. Consolidate and package all hazardous substances, pollutants and contaminants for transportation and off-site disposal;
6. Transport and dispose of all characterized or identified hazardous substances, pollutants, wastes, or contaminants that pose a substantial threat of release at a Resource Conservation and Recovery Act/CERCLA-approved disposal facility, in accordance with U.S. EPA's Off-Site Rule, 40 C.F.R. § 300.440; and,
7. Take any other response actions to address any release or threatened release of a hazardous substance, pollutant or contaminant that the U.S. EPA On-Scene Coordinator determines may pose an imminent and substantial endangerment to the public health or the environment.

U.S. EPA has received information that your organization may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies your organization of its potential liability with regard to this matter and encourages your organization, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with your organization the entry of an appropriate administrative consent order under which your organization would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring your organization to perform specified work. Under Sections 106 and 107 of CERCLA, your organization may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If your organization is a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet that may be helpful if your organization is subject to an U.S. EPA enforcement action.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA. As a potentially responsible party, **your organization should notify U.S. EPA in writing within five (5) business days of receipt of this letter** of its willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:


U.S. Environmental Protection Agency - Region 5  
Debbie Keating, Enforcement Specialist  
Emergency Enforcement Services Section, SE-5J  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the facility and that your organization has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with your organization. If your organization is already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise your organization or direct your organization presently to restrict or discontinue any such activities already underway; however, your organization is advised to report the status of those discussions or actions in your organization's response to this letter and to provide a copy of your organization's response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact James Morris of the U.S. EPA Office of Regional Counsel at (312) 886-6632. Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages your organization to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,

  
Linda M. Nachowicz, Chief  
Emergency Response Branch #2

Enclosure

cc: Walter J. Skotynsky, Esq., 1018 Adams Street, Toledo, OH 43604



*Office of Enforcement and Compliance Assurance*  
**INFORMATION SHEET**

## **U. S. EPA Small Business Resources**

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### **Compliance Assistance Centers**

([www.assistancecenters.net](http://www.assistancecenters.net))

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

#### **Agriculture**

([www.epa.gov/agriculture](http://www.epa.gov/agriculture) or 1-888-663-2155)

#### **Automotive Recycling Industry**

([www.ecarcenter.org](http://www.ecarcenter.org))

#### **Automotive Service and Repair**

([www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK)

#### **Chemical Industry**

([www.chemalliance.org](http://www.chemalliance.org))

#### **Construction Industry**

([www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911)

#### **Education**

([www.campuserc.org](http://www.campuserc.org))

#### **Healthcare Industry**

([www.hercenter.org](http://www.hercenter.org) or 1-734-995-4911)

#### **Metal Finishing**

([www.nmfrc.org](http://www.nmfrc.org) or 1-734-995-4911)

#### **Paints and Coatings**

([www.paintcenter.org](http://www.paintcenter.org) or 1-734-995-4911)

#### **Printed Wiring Board Manufacturing**

([www.pwbrc.org](http://www.pwbrc.org) or 1-734-995-4911)

#### **Printing**

([www.pneac.org](http://www.pneac.org) or 1-888-USPNEAC)

#### **Transportation Industry**

([www.transource.org](http://www.transource.org))

#### **Tribal Governments and Indian Country**

([www.epa.gov/tribal/compliance](http://www.epa.gov/tribal/compliance) or 202-564-2516)

#### **US Border Environmental Issues**

([www.bordercenter.org](http://www.bordercenter.org) or 1-734-995-4911)

The Centers also provide State Resource Locators ([www.envcap.org/statetools/index.cfm](http://www.envcap.org/statetools/index.cfm)) for a wide range of topics to help you find important environmental compliance information specific to your state.

### **EPA Websites**

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

#### **EPA's Home Page**

[www.epa.gov](http://www.epa.gov)

#### **Small Business Gateway**

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

#### **Compliance Assistance Home Page**

[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

#### **Office of Enforcement and Compliance Assurance**

[www.epa.gov/compliance](http://www.epa.gov/compliance)

#### **Voluntary Partnership Programs**

[www.epa.gov/partners](http://www.epa.gov/partners)



## U.S. EPA SMALL BUSINESS RESOURCES

### Hotlines, Helplines & Clearinghouses

([www.epa.gov/epahome/hotline.htm](http://www.epa.gov/epahome/hotline.htm))

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

**Clean Air Technology Center**  
([www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800)

**Emergency Planning and Community Right-To-Know Act**  
([www.epa.gov/superfund/resources/infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346)

**EPA's Small Business Ombudsman Hotline** provides regulatory and technical assistance information.  
([www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888)

**The National Environmental Compliance Assistance Clearinghouse** provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers  
([www.epa.gov/clearinghouse](http://www.epa.gov/clearinghouse))

**National Response Center** to report oil and hazardous substance spills.  
([www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802)

**Pollution Prevention Information Clearinghouse**  
([www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or 1-202-566-0799)

**Safe Drinking Water Hotline**  
([www.epa.gov/safewater/hotline/index.html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791)

**Stratospheric Ozone Refrigerants Information**  
([www.epa.gov/ozone](http://www.epa.gov/ozone) or 1-800-296-1996)

**Toxics Assistance Information Service** also includes asbestos inquiries.  
(1-202-554-1404)

**Wetlands Helpline**  
([www.epa.gov/owow/wetlands/wetline.html](http://www.epa.gov/owow/wetlands/wetline.html) or 1-800-832-7828)

### State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

**EPA's Small Business Ombudsman**  
([www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888)

**Small Business Environmental Homepage**  
([www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org) or 1-724-452-4722)

### Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

**The Small Business Compliance Policy**  
([www.epa.gov/compliance/incentives/smallbusiness](http://www.epa.gov/compliance/incentives/smallbusiness))

**Audit Policy**  
([www.epa.gov/compliance/incentives/auditing](http://www.epa.gov/compliance/incentives/auditing))

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*